

REMARKS

The Applicants do not believe that examination of the foregoing amendment will introduce new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Office Action dated June 16, 2005 has been received and considered by the Applicants. Claims 1-21 are pending in the present application for invention. Claims 1-4 and 6-21 are rejected by the June 16, 2005 Office Action. The Examiner objects to claim 5 as being dependent upon a rejected claim but is otherwise stated as being allowable.

The Office Action asserts that the rejected claims recite "deriving" by the reading device and "deriving" of a first characteristic can be defined as obtaining from a specified source. The Applicants would like to draw the Examiner's attention to the following facts that should be applied to the subject matter defined by the claims to the present invention. These facts are as stated by the Examiner on page 2 of the last office action dated June 16, 2005. The physical or control signal representing the watermark is compared with the derived watermark signal from the decoder. The Applicants, respectfully point out that, within Linnartz et al., the physical mark is not transmitted by the reader. Furthermore, within Linnartz et al., the hash signal is transmitted by the reader. The decoder, within Linnartz et al., does not transmit a hash signal. Therefore, the claims have been modified by the foregoing amendment to clearly distinguish the subject matter defined by the rejected claims from the teachings of Linnartz et al.

The Office Action rejects Claims 7, 8 and 12-21 under the provisions of 35 U.S.C. §102(b) as being anticipated by PCT WO 99/11064 issued to Linnartz et al. (hereinafter referred to as Linnartz et al.).

Regarding Claim 7, the rejection asserts that Linnartz et al. disclose the limitations associated with a method of exchanging copy protection information regarding an information carrying medium between a reading and application device. Specifically, the rejection asserts that the rejected claims recite "deriving" by the reading device and "deriving" of a first characteristic can be defined as obtaining from a specified

source. The foregoing amendment to the claims has modified Claim 7 to clearly define subject matter for the content of information to be information that is contained on the information carrying medium. Accordingly, the comparison of the first and second characteristics of the content of information relates to a comparison of characteristics of content that is contained on the information carrying medium. The Applicants would like to draw the Examiner's attention to the following facts as stated by the Examiner on page 2 of the Office Action. The physical or control signal representing the watermark is compared with the derived watermark signal from the decoder. The Applicants, respectfully point out that, within Linnartz et al., the physical mark is not transmitted by the reader. Furthermore, within Linnartz et al., the hash signal is transmitted by the reader. The decoder, within Linnartz et al., does not transmit a hash signal. Additionally, the signatures are not characteristics of the content of information that is contained on the information carrying medium within Linnartz et al. Therefore, it is not possible for the comparison within Linnartz et al. to be a comparison of the first and second characteristics as defined by Claim 7. Accordingly, Claim 7, as amended, clearly distinguishes over the teachings of Linnartz et al.

Regarding Claim 8, the rejection asserts that Linnartz et al. disclose the subject matter defined by rejected Claim 8. The foregoing amendment to the claims has modified Claim 8 to clearly identify that the content of information is information contained on the information carrying medium. There is no disclosure or suggestion within Linnartz et al. deriving first and second characteristic from content contained on the information carrying medium and comparing the first and second characteristics for a match. The physical or control signal representing the watermark is compared with the derived watermark signal from the decoder. The Applicants, respectfully point out that, within Linnartz et al., the physical mark is not transmitted by the reader. Furthermore, within Linnartz et al., the hash signal is transmitted by the reader. The decoder, within Linnartz et al., does not transmit a hash signal. Additionally, the signatures are not characteristics of the content of information that is contained on the information carrying medium within Linnartz et al. Therefore, it is not possible for the comparison within Linnartz et al. to be a comparison of the first and second characteristics as defined by Claim 8. Accordingly, Claim 8, as amended, clearly distinguishes over the teachings of

Linnartz et al.

Regarding Claims 12-13, the rejection asserts that Linnartz et al. disclose the subject matter defined by Claim 12 and 13. The foregoing amendment to the claims has modified Claim 12 to define subject matter that clearly identifies that a first characteristic is derived from the content of information from the first source. Amended Claim 12 further defines that a second characteristic is received from a different source and a comparison determines whether the first and second characteristics match. The Applicants, respectfully, submit that this amendment clearly distinguishes the subject matter defined by Claim 12 from the teachings of Linnartz et al.

Claim 13 has been amended to further define that the first and second characteristics are derived from the content of information on a record carrier. There is no disclosure, or suggestion, within Linnartz et al. for deriving characteristics from content on a record and determining by comparison if the first and second characteristics match. Therefore, the Applicants, respectfully, assert that Claim 13 is allowable over the teachings of Linnartz et al.

Regarding Claims 14-16, the Examiner states that Linnartz et al. disclose the subject matter of Claims 14-16. Claim 14 has been amended to define subject matter for the deriving of a first characteristic from a first portion of a first information signal in a first apparatus and comparing the first and second characteristics to determine if transmission should be stopped. The Applicants respectfully submit that there is no disclosure or suggestion for deriving a first characteristic from a first portion of a first information signal and comparing the first and second characteristics to determine if transmission should be stopped by Linnartz et al. Therefore, the Applicants, respectfully, submit that Claim 14 is allowable over Linnartz et al.

Claim 15 depends from Claim 14 and is believed to be allowable for that reason.

Claim 16 has been amended to clearly define that the first and second portions are read from a record carrier. Linnartz et al. do not disclose or suggest first and second characteristics that are derived from portions contained on a record carrier and compared to determine if transmission should be stopped. Therefore, Claim 16 is believed to be allowable.

Regarding Claim 17, the rejection asserts that Linnartz et al. disclose the subject matter of Claim 17 and 18. The foregoing amendment has modified Claim 17 to define receiving a content of information from a first source and deriving a first characteristic from the content of information, a second characteristic received from a second source, and a comparison that determines if the second characteristic matches the first characteristic. Linnartz et al. do not disclose or suggest comparing first and second characteristics that are derived from the content of information.

Regarding Claim 18, the foregoing amendment has modified Claim 18 to clearly define that the first source is a record carrier that contains the content of information, the second source derives the second characteristic from the content of information a comparison to determine if the second characteristic matches the first characteristic. Linnartz et al. do not disclose or suggest comparing first and second characteristics that are derived from the content of information of a record carrier.

Regarding Claim 19, the rejection asserts that this claim is anticipated by Linnartz et al. Claim 19 has been amended to define a first receiver for receiving a portion of information and deriving a first characteristic from the portion of information and comparing the first characteristic with the second characteristic and for terminating transmission of further portions of the information depending on the comparison. Linnartz et al. do not disclose or suggest comparing first and second characteristics that are derived from the portion of information.

Regarding Claim 20, the rejection asserts that this claim is anticipated by Linnartz et al. Claim 20 has been amended to define the first receiver is an information carrier reader containing the portion of information and the second receiver receives an electronic signal and the second characteristic is derived from of the portion of the information using encryption. Linnartz et al. do not disclose or suggest comparing first and second characteristics that are derived from the content of information of a record carrier.

Regarding Claim 21, the rejection asserts that Claim 21 is anticipated by Linnartz et al. Claim 21 has been amended to define that the transmitter that transmits a content of information contained on a storage device and derives a first characteristic from the content of information. The receiver after amendment derives a second characteristic from a portion of the transmitted information and transmits the characteristic, and the transmitter further is defined for comparing the first characteristic to the second characteristic to determine if the characteristics

match. Linnartz et al. do not disclose or suggest comparing first and second characteristics that are derived from the content of information of a storage device.

The Office Action Claims 1-4, 6 and 9-11 are rejected under the provisions of 35 U.S.C. §103(a) as being obvious over Linnartz et al. in view of U.S. Patent No. 5,915,027 issued to Cox et al. (hereinafter referred to as Cox et al.

The rejected have been modified by the foregoing amendment to clearly define subject matter for the content of information to be information that is contained on a record carrier. Accordingly, the comparison of the first and second characteristics of the content of information relates to a comparison of characteristics of content that is contained on the information carrying medium. The Applicants, respectfully point out that, within Linnartz et al., the physical mark is not transmitted by the reader. Furthermore, within Linnartz et al., the hash signal is transmitted by the reader. The decoder, within Linnartz et al., does not transmit a hash signal. Additionally, the signatures are not characteristics of the content of information that is contained on the information carrying medium within Linnartz et al. Therefore, it is not possible for the comparison within Linnartz et al. to be a comparison of the first and second characteristics as defined by the rejected claims. The foregoing subject matter is not taught or suggest by Cox et al. Therefore, the claims as amended are believed to be allowable.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

James D. Leimbach
Patent Attorney Reg. No. 34,374

Please address all correspondence for this application to:
Michael E. Belk, Senior Intellectual Property Counsel
Philips Intellectual Property & Standards
Philips Electronics N.A. Corp.
P.O. Box 3001
Briarcliff Manor, NY 10510-8001 USA
(914) 333-9643,

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence
is being transmitted on this date via
facsimile transmission to (571) 273-8300 AND addressed to:
Mail Stop: Amendment
COMMISSIONER OF PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Date of Transmission: September 16, 2005

(Signature) 

By: James D. Leimbach